

REMARKS

Applicants appreciate the thorough examination of the application that is reflected in the Office Action dated June 3, 2004. Applicants thank the Examiner for the courtesies extended during the telephone interview of September 9, 2004.

To expedite prosecution of this application, Applicants amend claim 1 to clarify that the pilot strength measurement message is transmitted "from the mobile terminal at a second transmit power level, wherein the second transmit power level is greater than the first transmit power level." Applicants amend claim 4 to clarify that a transmit power level "from a mobile terminal" is incremented prior to receiving a hand-off direction message." Applicants amend claim 8 to clarify that "after waiting the predetermined time period, further instructions to transmit the pilot strength measurement message from the mobile terminal at a second transmit power level, wherein the second transmit power level is greater than the first transmit power level."

Claims 1-9 are pending in the application. Applicants respectfully request reconsideration of this application.

Claim Rejections under 35 U.S.C. § 103

The Office rejects claims 1-6 and 8-9 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,160,999 to Chheda et al. (hereinafter referred to as Chheda) in view of U.S. Published Application 2002/0114288 to Pittampalli et al. (hereinafter referred to as Pittampalli), and rejects claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Chheda, in view of Pittampalli, and further in view of U.S. Published Application 2002/0097780 to Odenwalder et al. (hereinafter Odenwalder).

Claims 1-3 and 8-9

In rejecting claim 1, the Office cites 9:64 – 10:29 of Chheda which discloses that:

FIGS. 2B and 2C illustrate with more particularity, operation during handoff. FIG. 2B shows a mobile unit at position 250 in handoff between base stations A 202, B 204 and C 206. At position 250, a PSMM transmitted from the mobile includes power measures (Pc/i) for base station A 202 of -14 dB, base station B 204 of -9 dB and base station C 206 of -11 dB. In an operation according to prior techniques base stations A 202, B 204 and C 206 each would transmit at a level of P.sub.PA1 to maintain the grade of service. However, according to the present

invention, base stations B 204 and C 206 transmit at a level P.sub.NEW1 that is approximately equal to P.sub.PA1 to maintain an equivalent grade of service. In this operation, transmissions from base station A 202 are not needed, thus freeing power transmission resources for other mobile units.

FIG. 2C illustrates a wireless unit at position 260 still during handoff between base stations A 202, B 204 and C 206 at a later time. **At position 260,** a PSMM transmitted from the mobile includes **power measures (Pc/i) for base station A** 202 of -13 dB, base station B 204 of -11 dB and base station C 206 of -12 dB. In operation according to prior techniques, base stations A 202, B 204 and C 206 each would transmit at a level of P.sub.PA2 to maintain the grade of service. According to the present invention, base stations A 202, B 204 and C 206 have also increased their transmission levels to maintain a grade of service, such transmission level at P.sub.NEW2. Thresholds of operation according to the present invention are chosen so that the transmission level P.sub.NEW2 is substantially equal to P.sub.PA2. Thus, grade of service at position 260 is maintained without increasing total transmission power as compared to prior techniques while grade of service is maintained at position 250 while decreasing transmit power as compared to prior techniques. (Emphasis added.)

Applicants respectfully submit that Chheda and Pittampalli do not teach or suggest, for example, “transmitting the pilot strength measurement message from the mobile terminal at a second transmit power level, wherein the second transmit power level is greater than the first transmit power level,” as required by claim 1. Rather, in Chheda, the mobile transmits a number of power measures (Pc/i) for a number of base stations in PSMMs. Chheda does not suggest that first and second transmit power levels are used to transmit the PSMMs. Nothing in Chheda suggests that the transmit power level of the PSMMs transmitted at positions 250, 260 change or vary, but rather the content or information (i.e, power measures) in the PSMMs change.

For at least the foregoing reasons, Applicants submit that claim 1 is patentable over the cited references. In addition, Applicant respectfully submits that dependent claims 2-3 are separately patentable at least by virtue of their dependency from independent claim 1, and also because those claims recite additional features that are not taught or suggested by the cited references. Applicants further submit that claim 8 and claim 9 are allowable for at least the same reasons as given above with respect to claim 1 and claim 3 and are therefore, not rendered obvious by Chheda and/or Pittampalli.

Claims 4-7

Applicants respectfully submit that Chheda and Pittampalli do not teach or suggest, for example, “incrementing a transmit power level from a mobile terminal prior to receiving a hand-off direction message,” as required by claim 4. Rather, in Chheda, the mobile transmits a number of power measures (Pc/i) for a number of base stations in PSMMs. Nothing in Chheda suggests that the transmit power level of the PSMMs transmitted at positions 250, 260 change or vary, but rather the content or information (i.e., power measures) in the PSMMs change.

For at least the foregoing reasons, Applicants submit that claim 4 is patentable over the cited references. In addition, Applicant respectfully submits that dependent claims 5-7 are separately patentable at least by virtue of their dependency from independent claim 4, and also because those claims recite additional features that are not taught or suggested by the cited references. For example, Applicants submit that claims 5-7 are further allowable for at least the reasons stated above with respect to claim 1, above.



PATENT

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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